

Order

Michigan Supreme Court
Lansing, Michigan

January 27, 2010

Marilyn Kelly,
Chief Justice

139013

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 139013
COA: 281667
Wayne CC: 07-006298-FC

EUGENE ALEXANDER, JR.,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the April 28, 2009 judgment of the Court of Appeals is considered, and it is DENIED, because we are not persuaded that the questions presented should be reviewed by this Court.

KELLY, C.J., and HATHAWAY, J., would hold this case in abeyance for *Berghuis v Smith*, cert gtd ___ US ___; 130 S Ct 48; 174 L Ed 2d 631 (September 30, 2009).



s0120

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

January 27, 2010

Corbin R. Davis

Clerk